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EXAMINER
JACOBS, LASHONDA T

ART UNIT	PAPER NUMBER
2157	10

DATE MAILED: 07/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 07-01)

Office Action Summary	Application No.	Applicant(s)
	09/904,300	SHAFRON ET AL.
	Examiner	Art Unit
	LaShonda T. Jacobs	2157

-- Th MAILING DATE of this communication appears on th cover sh t with th correspond nc address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _05 May 2003_ .

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-31 and 33-61_ is/are pending in the application.

    4a) Of the above claim(s) _32 and 62_ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-31 and 33-61_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☒ The proposed drawing correction filed on _05 May 2003_ is: a)☒ approved b)☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____ .

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .

4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: .

DETAILED ACTION

Response to Amendment

1.   This a Final Rejection Office Action in response to Applicant's amendment filed on July

5, 2003. Claims 32 and 62 are cancelled. Claims 1-31 and 33-61 are presented for further

examination.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

3.   Claims **1, 2, 4-12, 14, 16-24, 30, 34, 36-39, 41-45, 47-50, 56, 58**, and **60** are rejected

under 35 U.S.C. 103(a) as being unpatentable over Anupam in view of Gavrilescu et al

(hereinafter, "Gavrilsecu", US 2002/0198941).

As per claims **1, 23, 36**, and **49**, Anupam discloses a method and system for enabling a first

computer to communicate and exchange data with a second computer, the first and second

computer being **in communication with each other** via a **network** (see Abstract, Fig. 1, and

col. 1, lines 15-20), the second computer having a second script and a second control loaded

thereon and operable therewith (col. 3, lines 5-14, lines 20-35, lines 63-67, and col. 4, lines 1-5),

said method and system comprising a processor provided on the server and operable in

connection with software loaded on the server (col. 6, lines 19-22, and lines 26-29) comprising

the steps of:

- downloading, to the first computer, computer code comprising a first script operable in connection with the first computer for accessing a function of a first control loaded on the first computer (col. 3, lines 1-14, and lines 24-31), the first script being further operable for receiving data input by a user of the first computer and for causing the first control to communicate with the server and to transmit the data input by the user to the server (col. 1, lines 54-67, col. 2, lines 1-3, col. 3, lines 1-14, lines 20-42 and col. 5, lines 35-46); and

- causing the server to transmit the data received from the first script to the second computer for receipt by the second control (col. 3, lines 33-42, and col. 5, lines 35-46).

However, Anupam does not explicitly disclose:

- **enabling the user of the first computer to communicate with the second computer to present a request for synchronization with the user of the first computer;**

- **enabling the user of the second computer to agree to synchronize with the user of the first computer;**

- **enabling the user of the first computer to synchronize with the user of the second computer; and**

- **controlling the Internet navigation of the second computer based upon Internet navigation of the first computer.**

In an analogous art, Gavrilescu discloses a method for co-browsing web sites concurrently in a synchronized manner by two or more users comprising:

- **enabling the user of the first computer to communicate with the second computer to present a request for synchronization with the user of the first computer** (see abstract, pg. 1, par. 0008-0015, and pg. 2, par. 0028-0030);

- **enabling the user of the second computer to agree to synchronize with the user of the first computer** (see pg. 1, par. 0008-0015, pg. 2, par. 0028-0030, and pg. 3, par. 0036-0040);

- **enabling the user of the first computer to synchronize with the user of the second computer** (see pg. 1, par. 0008-0015, pg. 2, par. 0028-0030, and pg. 3, par. 0036-0040); and

- **controlling the Internet navigation of the second computer based upon Internet navigation of the first computer** (see pg. 1, par. 0008-0015, pg. 2, par. 0028-0030, and pg. 3, par. 0036-0040).

Given the teaching of Gavrilescu, it would have been obvious to one of ordinary skill in the art to modify Anupam by allowing a first computer to synchronize with a second computer so that the information on the first computer is displayed in the browser of the second computer concurrently.

As per claim **4**, Anupam discloses:

- wherein the first script can display data output to the user of the first computer (col. 3, lines 1-14, and lines 20-42).

As per claims **11**, and **42**, Anupam further discloses:

- downloading, to the second computer, second computer code comprising a second script operable in connection with the second computer for accessing a function of a second

control loaded on the second computer (col. 3, lines 1-14, and lines 24-31), the second

script being further operable for receiving data input by user of the second computer

(col. 1, lines 54-67, col. 2, lines 1-3, col. 3, lines 5-14, lines 20-31, lines 63-67, col. 4,

lines 1-5, and col. 5, lines 35-46).

As per claim **16**, Anupam further discloses:

- wherein the second script can display data output to the user of the first computer (col. 3, lines 1-14, lines 20-42, and col. 4, lines 41-43).

As per claims **2, 12,** and **39**, Anupam discloses:

- wherein the computer code further comprises the first control (col. 1, lines 54-67, col. 3, lines 20-23, and Fig. 1).

As per claims **14** and **45**, Anupam discloses:

- wherein the second computer code further comprises the second control (col. 1, lines 54-67, col. 3, lines 20-23, and Fig. 1).

As per claims **8, 20, 41, 47,** and **48**, Anupam discloses:

- wherein the first script is operable in connection with the first computer by opening a web page containing the first script (col. 3, lines 33-42, and col. 4, lines 18-26), and

- wherein the second script is operable in connection with the second computer by opening a web page containing the second script (col. 3, lines 63-67, col. 4, lines 1-5, and lines 18-26).

As per claims **9, 21, 37,** and **43**, Anupam discloses wherein the server has defined in a

database thereon a synchronization group (col. 3, lines 58-63), wherein the function of the first

and second control comprises:

- a login function to enable the user of the first and second computer to login to a

  synchronization group (col. 2, lines 52-56, and col. 3, lines 43-56);

- a synchronization function to enable the user of the first and second computer to

  synchronize with a member of the synchronization group (col. 43-67, col. 4, lines 1-5,

  and lines 18-26); and

- a navigation function to enable control of the Internet navigation of a computer of the

  member of the synchronization group based upon the Internet navigation of the first

  computer (abstract).

As per claims **6** and **18**, Anupam discloses:

- wherein the first script can call a function of the first control (col. 3, lines 5-14).

As per claims **5**, **7**, **17**, and **19**, Anupam discloses:

- wherein the first script can send data to and receive data from the first control (col. 3,

  lines 5-14, lines 24-31, and col. 4, lines 18-26), and

- wherein the second script can send data to and receive data from the second control (col.

  3, lines 5-14, lines 24-31, and col. 4, lines 18-26).

As per claims **10**, **22**, **38**, and **44**, Anupam discloses:

- wherein the function of the first control further comprises an instant message function to

  enable a user of the first computer to send an instant message to a member of the

  synchronization group (col. 4, lines 32-36, and col. 5, lines 13-20), and

- wherein the function of the second control further comprises an instant message

  function to enable the user of the second computer to send an instant message to a

  member of the synchronization group (col. 4, lines 32-36, and col. 5, lines 13-20).

As per claim **24**, Anupam discloses:

- the step of enabling the user of the first computer to send an instant message to the user of the second computer (col. 4, lines 32-36, and col. 5, lines 13-20).

As per claims **30** and **56**, Anupam further discloses:

- the step of enabling the user of the second computer to login to a synchronization group (col. 2, lines 52-56, and col. 3, lines 43-56).

As per claim **34**, Anupam discloses:

- the step of enabling the user of the second computer to send an instant message to the user of the first computer (col. 4, lines 32-36, and col. 5, lines 13-20).

As per claims **50**, **58**, and **60**, Anupam discloses:

- wherein said processor being further operable in connection with software to enable the user of the first and second computer to send an instant message to a member of the synchronization group (col. 4, lines 32-36, and col. 5, lines 13-20).

4.   Claims **3, 13, 15, 25- 29, 31, 33, 35, 40, 46, 51-55, 57, 59** and **61** are rejected under 35

U.S.C. 103(a) as being unpatentable over Anupam in view of Mitchell et al (hereinafter,

"Mitchell", 6,356,933).

As per claims **3, 13, 15, 40,** and **46**, Anupam teaches a technique for obtaining and

exchanging information on the World Wide Web including a first and second control (col. 1,

lines 54-67, col. 3, lines 20-23, and Fig. 1).

However, Anupam does not explicitly teach wherein the first and second control comprises

an ActiveX control.

Mitchell teaches an application independent client process that is an ActiveX control embedded in a HTML page (col. 4, lines 31-35, and Fig. 1).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to modify Anupam by specifying that surrogate could include ActiveX components or controls since the same functionality is achieved.

As per claims **25**, **31**, **51**, and **57**, Anupam teaches the invention substantially **further comprising the** step of enabling the user of the first and second computer to login, **said step comprising**:

- providing a script that accepts data input from the user of the first and second computer (col. 1, lines 54-67, col. 2, lines 1-3, col. 3, lines 1-14, lines 20-31, lines 63-67, col. 4, lines 1-5, and col. 5, lines 35-46);

- a login function that generates a login identification and that receives the data input to the script from the user of the first computer, transmitting the data input and login identification to the server, receiving login confirmation or rejection from the server and passing the login confirmation or rejection data to the script (col. 2, lines 52-67, and col. 3, lines 43-56).

- However, Anupam does not explicitly teach an ActiveX control.

Mitchell teaches an application independent client process that is an ActiveX control embedded in a HTML page (col. 4, lines 31-35, and Fig. 1).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to modify Anupam by specifying that surrogate could include ActiveX components or controls since the same functionality is achieved.

As per claims **26, 33, 52, 55, 59,** and **61,** Anupam teaches the invention substantially as
claimed including a method for enabling the user of the first and second computer to synchronize
including the step of:

- providing a script that accepts data input from the user of user of the first and second
  computer (col. 1, lines 54-67, col. 2, lines 1-3, col. 3, lines 1-14, lines 20-31, lines 63-
  67, col. 4, lines 1-5, and col. 5, lines 35-46).

However, Anupam does not explicitly teach the steps of:

- wherein a script creates an XML feed of the data; and

- providing an ActiveX control defining a synchronization identification and that receives
  the XML feed from the script, the ActiveX control transmitting the XML feed and
  synchronization identification to the server.

Mitchell teaches using an ActiveX control to interpret XML data and synchronizing
information messages between AICP and application independent server process (AISP)
comprising:

- wherein the script creates an XML feed of the data (col. 4, lines 32-38, and col. 6, lines
  18-24); and

- providing an ActiveX control defining a synchronization identification and that receives
  the XML feed from the script, the ActiveX control transmitting the XML feed and
  synchronization identification to the server (col. 4, lines 32-38, and col. 7, lines 34-46).

Therefore, one of ordinary skill in the art at the time the invention was made would have
found it obvious to modify Anupam by specifying that surrogate could include ActiveX

components or controls that interpret XML data to respond to requests from the client to attached

server components, maintains a connection, and tracks context on the web server.

As per claims **29** and **35**, Anupam teaches the invention substantially as claimed including

a method for enabling the user of the first and second computer to send an instant message

including the step of:

- providing a script that accepts data input from the user of user of the first and second

  computer (col. 1, lines 54-67, col. 2, lines 1-3, col. 3, lines 1-14, lines 20-31, lines 63-

  67, col. 4, lines 1-5, and col. 5, lines 35-46).

However, Anupam does not explicitly teach the steps of:

- wherein a script creates an XML feed of the data; and

- providing an ActiveX control defining a synchronization identification and that receives

  the XML feed from the script, the ActiveX control transmitting the XML feed and

  synchronization identification to the server.

Mitchell teaches using an ActiveX control to interpret XML data and synchronizing

information messages between AICP and application independent server process (AISP)

comprising:

- wherein the script creates an XML feed of the data (col. 4, lines 32-38, and col. 6, lines

  18-24); and

- providing an ActiveX control defining a synchronization identification and that receives

  the XML feed from the script, the ActiveX control transmitting the XML feed and

  synchronization identification to the server (col. 4, lines 32-38, and col. 7, lines 34-46).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to modify Anupam by specifying that surrogate could include ActiveX components or controls that interpret XML data to respond to requests from the client to attached server components, maintains a connection, and tracks context on the web server.

As per claims **27** and **53**, Anupam teaches the invention substantially as claimed including a method wherein Internet navigation is carried out by the user of the first computer in connection with an Internet browser (col. 4, lines 18-29), and wherein said step of controlling the navigation comprises:

- providing a browser helper object (BHO) control for receiving a navigation message from the Internet browser when the user of the first computer navigates from a first Internet web page to a second Internet web page (col. 4, lines 18-29, and lines 41-43);

- providing a script for receiving the navigation message from the BHO control (col. 3, lines 5-14, and lines 20-31).

However, Anupam does not explicitly teach the steps of:

- creating an XML feed of navigation message; and

- providing an ActiveX control defining a synchronization identification and that receives the XML feed from the script, the ActiveX control transmitting the XML feed and synchronization identification to the server to control the Internet navigation of the second computer based upon the Internet navigation of the first computer.

Mitchell teaches using an ActiveX control to interpret XML data and synchronizing information messages between AICP and application independent server process (AISP) comprising:

- creating an XML feed of navigation message (col.4, lines 32-38, and col. 6, lines 18-24); and

- providing an ActiveX control defining a synchronization identification and that receives the XML feed from the script, the ActiveX control transmitting the XML feed and synchronization identification to the server to control the Internet navigation of the second computer based upon the Internet navigation of the first computer (col.4, lines 32-38, and col. 7, lines 34-46).

Therefore, one of ordinary skill in the art at the time the invention was made would have found it obvious to modify Anupam by specifying that surrogate could include ActiveX components or controls that interpret XML data to respond to requests from the client to attached server components, maintains a connection, and tracks context on the web server.

As per claims **28** and **54**, Anupam discloses:

- wherein the navigation message comprises a URL for the second internet web page (col. 4, lines 18-26).

Response to Arguments

5.   Applicant's arguments with respect to claims 1-31 and 33-61 have been considered but are moot in view of the new ground(s) of rejection.

In response to Applicant's remarks, the following factual arguments are noted:

a. Anupam does not disclose the leader actively and/or directly soliciting prospective followers for a session.

b. Anupam does disclose members of a session exchanging text messages, but importantly these text messages are only described as taking place after the follower has join the session.

c. Anupam also discloses that the functionality of a session is facilitated by software resident on a user's computer, and that this software may include a Java applet.

d. As conceded in the Office Action, Anupam does not disclose the use of ActiveX control or transmitting of XML feeds.

e. Applicant's respectfully submit that Anupam does not disclose all of the features of claim 23, as amended, of the present application.

f. Anupam does not teach or describe or suggest a user of a first computer (leader) communicating with the second computer (prospective follower) to present a request for synchronization with the first computer. Nor does Anupam teach or describe or suggest enabling a second computer to agree to synchronize with the user of the first computer.

g. Anupam does not disclose a system wherein a user of the first computer proactively communicates with the second computer to present a request for synchronization with the user of the first computer and being further operable in connection with software to enable the user of the second computer to agree to synchronize with the user of the first computer.

h. There is no teaching or suggestion in the references to make the hypothetical combination proposed in the Office Action, and thus the combination is improper.

i. Anupam does not teach, suggest or provide motivation for those limitations. In fact requiring a second user to browse a Web site to find on-going sessions to join, Anupam teaches away from the present user-initiated invention.

j. Mitchell also discloses that a portion of the computer code loaded to client computer may include ActiveX control.

k. Applicant's respectfully submit that, not only is there no motivation, either explicit, or implicit, to combine Anupam and Mitchell, such hypothetical combination does not disclose all of the features of claims 1, 11, 23, 36, and 49, as amended, of the present application.

l. Mitchell does not teach, suggest, or provide motivation to enable the user of the first computer to communicate with the second computer to present a request for synchronization with the user of the first computer and enable the user of the second computer to agree to synchronize with the user of the first.

In considering (a)-(b), (e)-(g), (k)-(l), Applicant's argument have been considered but are moot in view of the new ground(s) of rejection.

In considering (h)-(i), Applicant's arguments filed have been fully considered but they are not persuasive. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the Anupam reference teaches the use of a surrogate which is a Java Applet. Similarly, Mitchell teaches the use of AICP, which is an ActiveX control. An ActiveX control is similar to a Java Applet in which it would have been obvious to use an ActiveX control in Anupam instead of a Java Applet.

In considering (c)-(d), Examiner agrees with Applicant's remarks.

Conclusion

6.   Applicant's amendment necessitated the new ground(s) of rejection presented in this

Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this

final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to LaShonda T. Jacobs whose telephone number is 703-305-7494.

The examiner can normally be reached on 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Ario Etienne can be reached on 703-308-7562. The fax phone numbers for the

organization where this application or proceeding is assigned are 703-746-7239 for regular

communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the receptionist whose telephone number is 703-305-3900.

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LaShonda T. Jacobs
Examiner
Art Unit 2157

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ltj
June 23, 2003

ABIO ETIENNE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100